



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

Handwritten signature/initials

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/619,121	07/14/2003	Manfred W. Staebler	THE 0244CON	6865
7590 03/04/2004			EXAMINER	
John T. Winburn BSH Home Appliances Corporation 100 Bosch Blvd New Bern, NC 28562			PAIK, SANG YEOP	
			ART UNIT	PAPER NUMBER
			3742	

DATE MAILED: 03/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/619,121

Applicant(s)

STAEBLER ET AL.

Examiner

Sang Y Paik

Art Unit

3742

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 5 and 12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 5 and 12 lack appropriate commas (,) to indicate the separation of the recited elements to clearly ascertain the scope of the claims.

In claim 5, it is recited that the inner ring includes a display and a plurality of power level switches therewith. It is unclear if the power level switches are different set of switches from the power level switches associated with the second set of indicia as recited in claim 1.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being anticipated by Gould Jr. (US 3,974,472).

Gould Jr shows a cooktop control for a cooktop including a glass ceramic panel, a first set of indicia formed in a pattern matching burner having the switches and displays for activating and displaying the associated burner, a second set of indicia having the display and a plurality of

Art Unit: 3742

power level switches for selectively activating a power level for the selected burner, a circuit associated with the first and second indicia comprising a processor activating and deactivating the burner in response to the first and second indicia.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gould Jr (US 3,974,472) in view of Rice et al (US 6,198,080).

Gould Jr discloses all the structure claimed except the second indicia having a separate warming display with an associated power switch.

Rice et al shows a burner element that is designated as a warm element operating at a reduced power range with a display and associated power switches. In view of Rice, it would have been obvious to one of ordinary skill in the art to adapt Gould Jr with a separate warming display with an associated power level switch to provide a low level heating surface for the convenience of the user.

7. Claims 4 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gould Jr (US 3,974,472) in view of Welch et al (US 4,121,204).

Gould Jr shows the structure claimed except having a single set of indicia formed in a circular arc or ring.

Art Unit: 3742

Welch et al shows a power setting indicia having a display and a plurality of switches. Welch et al further shows that the power setting indicia can be formed in a circular arc or ring. In view of Welch et al, it would have been obvious to one of ordinary skill in the art to adapt Gould Jr with the second indicia having a substantially circular arc or ring to provide an aesthetically more appealing form or shape for the user.

8. Claims 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gould Jr in view of Welch et al as applied to claims 4 and 10 above, and further in view of Miquelot (US 5,294,779).

Gould Jr in view of Welch et al shows the structure claimed except a sensor extending above the cooktop panel.

Miquelot shows a centrally located sensor extending above a cooktop panel to engage with a utensil that is placed on the cooktop panel to serve as a temperature sensor as well as a pot detection sensor. In view of Miquelot, it would have been obvious to one of ordinary skill in the art to adapt Gould Jr, as modified by Welch et al, with a sensor to engage with a utensil/pot to measure the temperature of the pot and the presence of the pot to automatically activate the heating element to ensure the safe operation of the heating device.

With respect to the recitation of the inner indicia ring adjacent to the second indicia ring, Welch et al shows an inner ring indicating the LO-MED-HI temperature setting with the associated power switches.

9. Claims 7-9 and 11-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gould Jr in view of Welch et al and Miquelot as applied to claims 4-6 and 10 above, and further in view of Rice (US 6,198,080).

Art Unit: 3742

Gould Jr in view of Welch et al and Miquelot shows the structure claimed except the second indicia having a separate warming display with an associated power switch.

Rice et al shows a burner element that is designated as a warm element operating at a reduced power range with a display and associated power switches. In view of Rice, it would have been obvious to one of ordinary skill in the art to adapt Gould Jr, as modified by Welch et al and Miquelot, with a separate warming display with an associated power level switch to provide a low level heating surface for the convenience of the user.

With respect to the location of the warming display, it would have been obvious to one of ordinary skill in the art to provide warming display in the open end of the inner ring or any other regions near the control location as a matter of design choice to provide an aesthetically appealing form as well as to provide an convenient access and display for the user.

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Butts (US 4,454,501), Nashawaty (4,446,455) and Thomas et al (US 4,527,049).

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sang Y Paik whose telephone number is 703-308-1147. The examiner can normally be reached on M-F (8:00-5:30) First Friday Off.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3742

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

S. P.

Sang Y Paik
Primary Examiner
Art Unit 3742

syp